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UNCLAS SECTION 01 OF 02 KINSHASA 000095

SENSITIVE

SIPDIS

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SUBJECT: DRC: UN FIELD COVERAGE OF HUMAN RIGHTS

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¶11. (SBU) Summary: The United Nations Joint Human Rights Office (UNJHRO) in the DRC has 18 field offices and four mobile teams in addition to the headquarters office in Kinshasa. The UNJHRO is one of the largest and most effective human rights organizations operating in the country. Recent UNJHRO successes include the establishment of legal aid clinics in North Kivu, the creation of networks of human rights NGOs in nine provinces, and securing the release from unlawful detention of both a group of Rwandan children and 187 former members of Jean-Pierre Bemba's personal security force. Significant challenges include continued political interference in the judicial process resulting in a culture of impunity, and the denial of UNJHRO access to detention centers. The UNJHRO has a positive working-level relationship with the GDRC despite government criticism of UNJHRO's reporting. Post recommends that the USG encourage the GDRC to allow UNJHRO unfettered access to all detention centers, contribute to OHCHR's recent appeal for the Human Rights Mapping Exercise funding, and encourage closer coordination between MONUC peacekeeping forces and UNJHRO personnel on the ground. End Summary.

UNJHRO Description

¶12. (U) The UNJHRO is a joint operation between the UN's Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Division of the UN's Field Mission in the DRC (MONUC). In addition to the UNJHRO headquarters in Kinshasa, it has 18 field offices and four mobile teams throughout the country staffed by 133 employees. The workforce includes human rights officers responsible for investigations, protection officers responsible for training and facilitating NGO protection networks, and support staff.

UNJHRO Strengths/Successes

¶13. (U) The UNJHRO is one of the largest and most effective human rights organizations operating in the DRC. Through the work of its field investigators, it maintains a database of human rights violations. It also conducts prison visits, monitors the conditions of prisons, and trains prison police in the application and respect of detainees' human rights. The UNJHRO has been able to obtain the release of numerous prisoners arbitrarily detained by Congolese authorities. It also conducts training for NGO human rights defenders and sponsors public awareness campaigns promoting human rights.

¶14. (SBU) In 2008, the UNJHRO conducted four high profile investigations into human rights abuses; the January killing of civilians in Kalonge, North Kivu by the rebel group CNDP ("Congres National pour le Defense du Peuple" in French), the February-March

crackdown on the politico-religious group Bundu dia Kongo (BDK) by the PNC ("Police Nationale Congolaise" in French), the November killing of civilians in Kiwanja, North Kivu by the CNDP, and the November pillaging in Kanyabayonga, North Kivu by the Congolese army (FARDC). The UNJHRO publicly released the reports of their investigations in the first two cases. According to UNJHRO, the reports on the Kiwanja killings and the Kanyabayonga pillaging will be released shortly. UNJHRO reporting appears to be neutral and evenhanded as it received criticism from both the CNDP and the GDRC.

¶5. (SBU) During 2008, UNJHRO staff helped to establish legal aid clinics for victims of sexual violence in North Kivu. The clinics assisted victims in filing criminal charges against perpetrators and facilitated victims' access to medical and psycho-socio care. UNJHRO staff also helped to establish networks of human rights NGOs in nine provinces. In addition, the UNJHRO helped to secure the release of a group of Rwandan children in Kinshasa who were originally arrested in North Kivu under suspicion of aiding the CNDP. Finally, in another example of successful intervention, UNJHRO efforts assisted in the release of 187 men, originally arrested in March 2007, who were former members of Jean-Pierre Bemba's personal security force.

UNJHRO Challenges/Limitations

¶6. (SBU) The greatest challenge for the UNJHRO is the fight against impunity. Despite efforts by UNJHRO staff and even MONUC senior staff, interference from within the GDRC and FARDC continues to

KINSHASA 00000095 002 OF 002

subvert the impartiality of many judicial investigations and trials. Cases in which officers allow their subordinates to either escape or make small settlement payments to victims to deter them from bringing formal charges are common within the PNC and FARDC. When successful prosecutions do occur, they usually punish only low ranking officers and soldiers.

¶7. (SBU) A significant limitation to UNJHRO's work is the denial of access to the Congolese National Intelligence Agency's ("Agence Nationale de Renseignements" - ANR - in French) holding cells in five key cities: Kinshasa, Matadi, Kisangani, Goma, and Bukavu. In addition, the UNJHRO has no access to holding cells of the President's Republican Guard ("Garde Republicaine" - GR - in French) throughout the DRC. Both the ANR and GR report directly to the Presidency and are not subject to independent oversight.

UNJHRO Relationship with GDRC

¶8. (SBU) The UNJHRO has a good working level relationship with the Congolese government. Even though the GDRC heavily criticized UNJHRO's report on the BDK crackdown, UNJHRO personnel have open access and dialogue with the ministries of Human Rights, Justice, Interior, and Defense. Specifically, the UNJHRO prepares a bi-monthly report on PNC abuses and shares this with Ministry of Interior officials. Once a month, the UNJHRO prepares a report on Congolese Army (FARDC) abuses and shares this with a national oversight committee chaired by the legal advisor to the Minister of Defense. At the provincial level, UNJHRO personnel help to facilitate FARDC oversight committees in eight provinces in which the FARDC, UNJHRO, and civil society meet monthly to discuss alleged FARDC abuses.

Recommendations for USG

¶9. (SBU) Post recommends that the USG encourage the GDRC to allow UNJHRO unfettered access to all detention centers, including those operated by the ANR and GR, in accordance with the latest UN Security Council (UNSC) mandate for MONUC. ANR and GR personnel are often cited by released detainees and NGOs as perpetrators of human rights abuses, and the UNJHRO's lack of access to the respective detention centers contributes to a culture of impunity.

¶10. (SBU) Post also recommends that the USG contribute to OHCHR's recent funding appeal for the Human Rights Mapping Exercise. The project team is investigating and documenting the major human rights violations committed on DRC territory between 1993 and 2003. The final report will be a valuable tool in promoting the protection of human rights and combating impunity.

¶11. (SBU) In addition, Post recommends that the USG encourage closer coordination and collaboration between MONUC peacekeeping forces and UNJHRO personnel performing civilian protection duties in combat zones. UNJHRO personnel have insight as to how and when human rights abuses occur and could advise peacekeeping forces on joint UNJHRO-peacekeeper civilian protection patrols.

¶12. (SBU) Comment: The UNJHRO is the most important human rights organization operating in the DRC. However, it faces significant challenges. In particular, the culture of impunity is firmly entrenched throughout the country and is difficult to overturn. Increased political and financial support to the UNJHRO is essential in helping UNJHRO work with the DRC to improve its human rights record. End Comment.

GARVELINK